

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

SHANNON BOYLAN
LUTHER L. HAJEK
United States Department of Justice
Environment and Natural Resources Division
150 M St NE
Washington, D.C. 20002
Tel: (202) 598-9584 / Fax: (202) 305-0506
shannon.boylan@usdoj.gov
Tel: 303-844-1376 / Fax: 303-844-1350
luke.hajek@usdoj.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

STATE OF UTAH, *et al.*,

Plaintiffs,

v.

DEB HAALAND, in her official capacity
as the Secretary of the U.S. Department of
the Interior, *et al.*,

Defendants.

) Case No. 2:24-cv-438-DBB-DAO
) Honorable David Barlow
) Magistrate Judge Daphne A. Oberg
)

) **DEFENDANTS' STATEMENT**
) **DENYING ARBITRARY AND**
) **CAPRICIOUS ACTION**
)
)
)

Pursuant to Rule 7-4(b)(2)(B) of the District of Utah Local Rules of Civil Practice, Defendants Deb Haaland, in her official capacity as Secretary of the U.S. Department of the Interior; U.S. Department of the Interior; Tracy Stone-Manning, in her official capacity as the Director of the U.S. Bureau of Land Management (“BLM”); and BLM (collectively, “Defendants”) respectfully submit this response to Plaintiffs’ Complaint, ECF No. 1. In the Complaint, Plaintiffs challenge BLM’s issuance of the Conservation and Landscape Health Final Rule, 89 Fed. Reg. 40,308 (May 9, 2024) (also known as the “Public Lands Rule”). Plaintiffs allege that BLM violated the National Environmental Policy Act (“NEPA”) by relying on a categorical exclusion in issuing the Public Lands Rule. *See* Compl. ¶¶ 103-55. Defendants deny that BLM’s reliance on the categorical exclusion was arbitrary, capricious, or contrary to law.

Defendants state the following affirmative defenses:

1. Lack of jurisdiction
2. Lack of standing
3. Lack of ripeness
4. Failure to state a claim.

Defendants deny that Plaintiffs have stated a valid claim for relief or that Plaintiffs are entitled to any relief whatsoever.

Respectfully submitted this 27th day of August, 2024,

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

/s/ Shannon Boylan
SHANNON BOYLAN
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division

150 M St NE
Washington, D.C. 20002
Tel: (202) 598-9584 / Fax: (202) 305-0506
shannon.boylan@usdoj.gov

/s/ Luther L. Hajek
LUTHER L. HAJEK
Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
999 18th St.
South Terrace – Suite 370
Denver, CO 80202
Tel: 303-844-1376 / Fax: 303-844-1350
luke.hajek@usdoj.gov

Attorneys for Defendants